



**ARIZONA STATE SENATE**  
***Fifty-Third Legislature, First Regular Session***

FACT SHEET FOR S.B. 1142

riot; planning; participation; racketeering

Purpose

Adds rioting to the list of offenses that can be pursued under racketeering statutes. Expands the definition of *riot* and specifies that to prove conspiracy to commit a riot, an overt act is not required.

Background

Arizona's Racketeer Influenced and Corrupt Organization (RICO) statutes cover most criminal acts that are profit-oriented. RICO statutes are used to prosecute activities of organized criminals who extort money from legitimate individuals or businesses by violence or other forms of threats or intimidation or conducting illegal enterprises. RICO statutes provide prosecutors with options that are generally not available under other types of criminal statutes, such as forfeitures, including the ability to confiscate the fruits of criminal activity from those convicted of racketeering offenses. Racketeering is any act that is chargeable or indictable under the laws of the state, punishable by imprisonment for more than a year and includes such acts as homicide, robbery or extortion if committed for financial gain ([A.R.S. § 13-2301](#)). Statute also outlines what is considered illegal control of an enterprise through racketeering ([A.R.S. § 13-2312](#)) and provides a method for the state to seek civil remedies ([A.R.S. § 13-2314](#)). Remedies include the payment of all costs and expenses for the prosecution and investigation of a racketeering offense and payment to the state or county general fund equal to any profit received through racketeering.

A person commits conspiracy when they act with the intention to promote or assist in an illegal offense and: 1) agrees with at least one person to engage in conduct resulting in action to further the offense ([A.R.S. § 13-1003](#)); and 2) one of the parties commits an overt act in furtherance of the offense. However, statute stipulates an overt act is not always required when conspirators work together to commit a felony act such as arson or first-degree burglary.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Adds riot to the specified acts defined as racketeering.
2. Stipulates an overt act is not required as proof of a riot offense.

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3. Expands the definition of *riot* to include immediate power of execution which results in damage to the property of another person.
4. Makes technical and conforming changes.
5. Becomes effective on the general effective date.

Prepared by Senate Research

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AW/JO/rr